

THE
CAMBRIDGE LAW
JOURNAL
1984

EDITOR
L. S. SEALY, PH.D.

Published for the
Faculty of Law, University of Cambridge

CAMBRIDGE UNIVERSITY PRESS

CAMBRIDGE
LONDON NEW YORK NEW ROCHELLE
MELBOURNE SYDNEY

Published by the Press Syndicate of the University of Cambridge
The Pitt Building, Trumpington Street, Cambridge CB2 1RP
32 East 57th Street, New York, N.Y. 10022, U.S.A.

Printed in Great Britain by The Eastern Press Ltd., London and Reading

EDITORIAL COMMITTEE

DR. L. S. SEALY, *Editor*

DR. M. A. CLARKE, *Secretary and Treasurer*

PROFESSOR J. A. JOLOWICZ, *Note Editor*

PROFESSOR D. G. T. WILLIAMS, *Note Editor*

PROFESSOR GLANVILLE WILLIAMS

DR. J. H. BAKER

J. G. COLLIER, ESQ., *Note Editor*

J. C. HALL, ESQ., *Note Editor*

DR. R. J. C. MUNDAY

DR. B. W. NAPIER, *Note Editor*

M. J. PRICHARD, ESQ.,

J. W. A. THORNELY, ESQ., *Book Review Editor*

CONTRIBUTORS OF ARTICLES

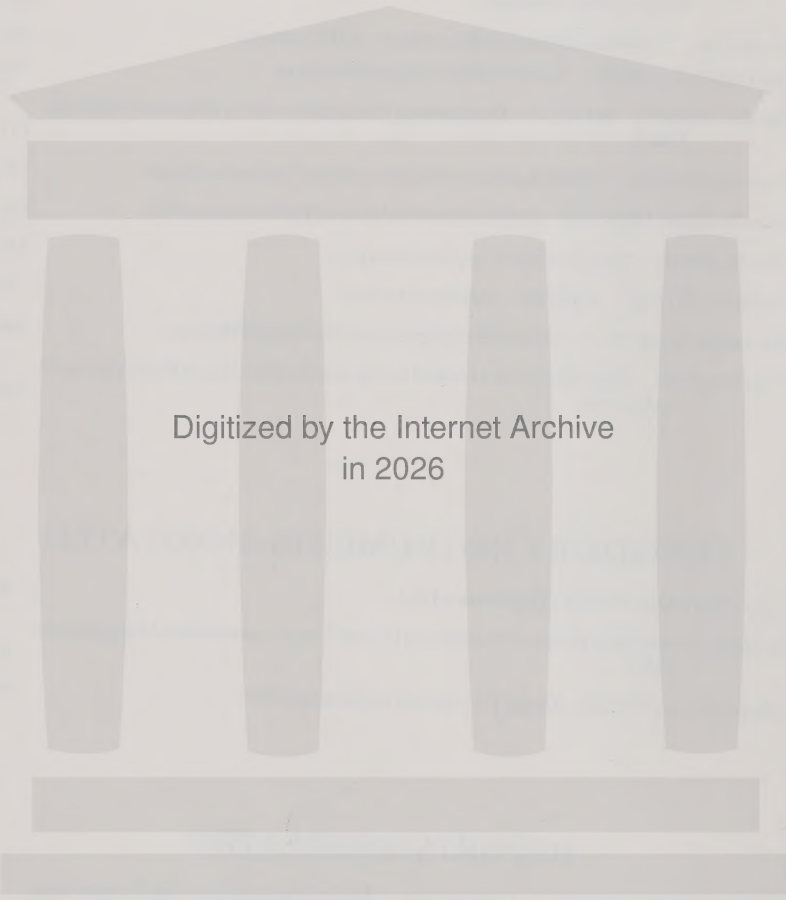
CAMPBELL, KENNETH	The Test of Dishonesty in <i>R. v. Ghosh</i>	349
CRIPPS, YVONNE	Judicial Proceedings and Refusals to Disclose the Identity of Sources of Information	266
EVANS, JIM	The Status of Rules of Precedent—A Brief Reply	108
GOLDSTEIN, LAURENCE	Some Problems about Precedent	88
GRUBB, ANDREW	A Case for Recognising Economic Loss in Defective Building Cases	111
HARPUM, CHARLES	Relief Against Forfeiture and the Purchaser of Land	134
MACCORMACK, GEOFFREY	Status: Some Problems of Definition and Use	361
NAPIER, BRIAN	Aspects of the Wage-work Bargain	337
TROMANS, STEPHEN	Options—as Safe as Houses?	55
WILLIAMS, GLANVILLE	Alternative Elements and Included Offences	290
YODAN, T. G.	Formalities for Trusts of Land, and the Doctrine in <i>Rochefoucauld v. Boustead</i>	306

STATUTORY INSTRUMENTS ANNOTATED

Equal Pay (Amendment) Regulations 1983	40
Industrial Tribunals (Rules of Procedure) (Equal Value Amendment) Regulations 1983	40
Supplementary Benefit (Equal Treatment) Regulations 1983	44

REPORTS ANNOTATED

Report of the Committee of Inquiry into Human Fertilisation and Embryology (Warnock Report)	209
---	-----



Digitized by the Internet Archive
in 2026

CASES ANNOTATED

Alcom Ltd. v. Republic of Colombia	222	Mandla v. Dowell Lee	218
An Bord Baine Co-op. Ltd. (Irish Dairy Board) v. Milk Marketing Board	214, 225	Maynard v. Midland Area Health Authority	240
Brazil v. Chief Constable of Surrey	12	Mitchell (George) (Chesterhall) Ltd. v. Finney Lock Seeds Ltd.	29, 32
Brice v. Brown	238	Mohammed-Holgate v. Duke	12
British Airways Board v. Laker Airways Ltd.	253	Peachdart Ltd., Re	35
British Bank of the Middle East v. Sun Life of Canada (U.K.) Ltd.	26	Perl (P.) (Exporters) Ltd. v. Camden L.B.C.	19
Burns v. Burns	227	Queen, The v. Saskatchewan Wheat Pool	23
Chaudhary v. Chaudhary	49, 248	R. v. Bailey	5
Choudry v. Choudry	49	R. v. Courtie	225
Church of New Faith, Re	218	R. v. East Berkshire Health Authority, <i>ex parte</i> Walsh	214
Davy v. Spelthorne B.C.	16	R. v. Immigration Appeal Tribunal and Seada Bi, <i>ex parte</i> Secretary of State for the Home Dept.	49
Devlin v. Slough Estates Ltd.	243	R. v. Morris	7
Dimbleby & Sons Ltd. v. National Union of Journalists	250	R. v. Secretary of State for the Home Dept., <i>ex parte</i> Ghulam Fatima	49, 248
Elliott v. C. (a minor)	1	R. v. Secretary of State for the Home Dept., <i>ex parte</i> Shafeena Bi	49, 248
Furniss v. Dawson	259	R. v. Watts	10
Gill & Duffus Ltd. v. Berger	233	Resolute Maritime Inc. v. Nippon Kaiji Kyokai	27
Gillick v. West Norfolk and Wisbech Area Health Authority	214	Richards v. Richards	38
Harvela Investments Ltd. v. Royal Trust Co. of Canada Ltd.	230	Schweppes Ltd. v. Wellingtons Ltd.	245
Hicks v. Walker	236	Shikoh v. Murff	49
Israel Discount Bank of New York v. Hadjipateras	47	Sidaway v. Board of Governors of the Bethlem Hospital	240
Jenkins v. Lombard North Central p.l.c.	236	Tate & Lyle Industries Ltd. v. G.L.C.	21
Law v. National Greyhound Racing Club Ltd.	16	Wandsworth L.B.C. v. Winder	214
Lennox (Henry) (Industrial Engines) Ltd. v. Grahame Puttick Ltd.	35	Zaal v. Zaal	49

BOOK REVIEWS

ARCHER, P. and MARTIN, A. (Eds.): More Law Reform NOW	207
ARDEN, A. and PARTINGTON, M.: Housing Law	396
BARTRIP, P. W. J. and BURMAN, S. B.: The Wounded Soldiers of Industry: Industrial Compensation Policy 1833-1897	412
BEATSON, J. and MATTHEWS, M. H.: Administrative Law: Cases and Materials .	400
BELL, J.: Policy Arguments in Judicial Decisions	183
BELLORD, N. and JACKSON, P.: Computers for Lawyers	408
BERMAN, H. J.: Law and Revolution: The Formation of the Western Legal Tradition	383
CAMPBELL, E. and WALLER, L. (Eds.): Well and Truly Tried: Essays on Evidence in Honour of Sir Richard Eggleston	197
CHAPIN, B.: Criminal Justice in Colonial America, 1606-1660	386
CHURCHILL, R. R. and LOWE, A. V.: The Law of the Sea	388
CRAIG, P. P.: Administrative Law	399
CROOK, D.: Records of the General Eyre: Public Records Office Handbooks. No. 20	388
DE BOISSESON, M.: <i>Le Droit Francais de l'Arbitrage</i>	402
FEUERSTEIN, P. and PARRY, C. (Eds.): <i>Multum non Multa: Festschrift für Kurt Lipstein aus Anlass seines 70</i>	177
FRIDMAN, G. H. L.: Law of Agency. (5th ed.)	204
GRANT, M.: Urban Planning Law	394
HARLOW, C.: Law and Administration	400
HARRIS, D. J.: Cases and Materials on International Law (3rd ed.)	199
HOATH, D. C.: Homelessness	396
HONORE, T.: The Quest for Security: Employees, Tenants, Wives	377
HONORE, T.: Ulpian	178
HRUSCHKA, J.: <i>Strafrecht nach logisch-analytischer Methode</i>	207
IVES, E. W.: The Common Lawyers of pre-Reformation England. Thomas Kebell: a Case Study	180
KRAUSE, H. D.: Family Law: Cases, Comments and Questions (2nd ed.)	414
LLOYD-BOSTOCK, S. M. A. and CLIFFORD, B. R. (Eds.): Evaluating Witness Evidence. Recent Psychological Research and New Perspectives	195
LOSS, L.: Fundamentals of Securities Regulation	404
MEGRAH, M., RYDER, F. R. and BUENO, A. (Eds.): Byles on Bills of Exchange (25th ed.)	410
MILLER, J. G.: Family Property and Financial Provision (2nd ed.)	191
MOOTHAM, SIR O.: The East India Company's Sadar Courts 1801-1834	411
MURPHY, W. Y. and CLARK, H.: The Family Home	192
O'DOWD, A.: Encyclopedia of Insurance Law	193
PERCY, R. A.: Charlesworth and Percy on Negligence (7th ed.)	381
POLYVIU, P. G.: Search and Seizure	185
ROBINSON, J.: Multi-nationals and Political Control	406

Book Reviews

ROSEN, F.: Jeremy Bentham and Representative Democracy. A Study of the Constitutional Code	393
ROSEN, F. and BURNS, J. H. (Eds.): The Collected Works of Jeremy Bentham. Constitutional Code, Vol. 1	393
SHARPE, J. A.: Crime in Seventeenth-Century England	386
SINGH, M. N.: International Maritime Conventions	198
STEIN, P. G. and LEWIS, A. D. E.: Studies in Justinian's Institutes in Memory of J. A. C. Thomas	392
STEVENS, I. N. and YARDLEY, D. C. M.: The Protection of Liberty	205
STEWART, S. M.: International Copyright and Neighbouring Rights	407
SUNNUCKS, J. G. H. and others: Williams, Mortimer and Sunnucks on Executors, Administrators and Probate	187
TEARLE, B. (Ed.): Index to Legal Essays 1975-1979	200
TODD, S.: Limitation Periods in Personal Injury Claims	188
TRINDADE, A. A. G.: The Application of the Rule of Exhaustion of Local Remedies in International Law	390
UDOLF, R.: Forensic Hypnosis. Psychological and Legal Aspects	194
VON HIPPEL, E.: <i>Der Schutz des Schwächeren</i>	377
WEIR, J. A.: A Casebook on Tort (5th ed.)	379
WEIR, J. A.: Negligence for "A" Level	379
WEYRAUCH, W. O. and KATZ, S. N.: American Family Law in Transition	189
WILLIAMS, G. L.: Textbook of Criminal Law (2nd ed.)	384

SUBJECT INDEX 1984

†Indicates an article

*Indicates a book review

Other references are to notes

- Administrative law
 - *Beatson and Matthews' cases 400
 - *Craig 399
 - Judicial review 16
 - *Law and administration 400
 - Remedies 214
- Agency
 - Authority 26
 - *Fridman 204
 - Misrepresentation 27
- Arbitration
 - *French law 402
- Arrest
 - Police powers 12
- Bills of exchange
 - *Byles 410
- Charities
 - Religion, concept of 218
- Civil liberties
 - Arrest 12
 - *Protection of liberty 205
 - *Search and seizure 185
- Company law
 - *Multinationals 406
 - *Securities regulation 404
 - Shareholder's action 243
- Computers
 - *Lawyers, for 408
- Confidence
 - †Sources of information 266
- Conflict of laws
 - Foreign judgment 47
 - Foreign proceedings 253
 - **Multum non Multa* 177
 - Undue influence 47
 - United States proceedings 253
- Constitutional law
 - *Bentham's Constitutional Code 236
 - Police—powers of arrest 12
 - State immunity 222
- Consumer credit
 - Criminal sanctions 236
- Contract
 - *Chitty 201
 - Exemption clause 29, 32
 - Implied terms 230
- Copyright
 - *International—neighbouring rights 407
 - Parody 245
- Criminal law
 - Appropriation 7
 - Buggery 225
 - Diabetic 5
 - †Dishonesty 349
 - *Germany 201
 - Recklessness 1
 - Substance or sentence? 225
 - *Williams' Textbook 384
- Criminal procedure
 - †Alternative elements 290
 - †Included offences 290
- Criminology
 - *Colonial America 386
 - *Seventeenth-century England 386
- Discrimination
 - Equal pay 40
 - Equal treatment 40
 - Race, concept of 218
- Divorce
 - Talaq 49, 248
- European Communities
 - Equal pay 40
 - Private damage suits 255
- Equity
 - †Relief against forfeiture 134
 - †*Rochefoucauld v. Boustead* 306
- Evidence
 - *Eggleston Essays 197
 - *Evaluating 195
 - *Hypnosis 194
 - Previous convictions 10
 - *Psychological research 195
- Execution
 - State immunity 222

Subject Index 1984

Executors		Law and society	
*Williams, Mortimer and		* <i>Der Schutz des Schwächeren</i> .	377
Sunnuck	187	Human fertilisation and	
Family law		embryology	209
Cohabitee's interest in house	227	*Quest for security	377
*Family home	192	Law reform	
*Financial provision	191	Human fertilisation and	
Human fertilisation and		embryology	209
embryology	209	*More law reform now	207
*Krause's cases	414	Legal history	
Ouster order	38	*Crime, English 17th-century .	386
*Quest for security	377	*Crime, U.S. 17th-century .	386
*United States	189	*East India Company's courts .	411
Warnock Report	209	*General Eyre	388
France		*Industrial compensation	
*Arbitration law	402	policy	412
Fraud		*Kebell, Thomas	180
† <i>Doctrine in Rochefoucauld</i>		Legal writing	
<i>v. Boustead</i>	306	*Index to essays	200
Germany		Misrepresentation	
* <i>Der Schutz des Schwächeren</i> .	377	Agent's liability	27
* <i>Strafrecht nach logisch-</i>		Muslim law	
<i>analytischer Methode</i>	207	Talaq	49, 248
India		Negligence	
*Sadar courts	411	Act of thieves	19
Insurance		*Charlesworth and Percy	381
*Encyclopedia	193	†Defective buildings	111
International law		Doctor and patient	240
*Harris's cases	199	†Economic loss	111
*Law of the sea	388	Nervous shock	238
*Local remedies	390	Remoteness	238
*Maritime conventions	198	*Weir's, for "A" level	279
Judicial process		Nuisance	
*Policy arguments	183	Interference with navigation .	21
Jurisprudence		Personal	
*Bentham's Constitutional		*Bentham, Jeremy	393
Code	393	*Eggleston, Sir Richard	197
*Marxism and law	182	*Kebell, Thomas	180
†Precedent	88, 108	*Lipstein, Kurt	177
†Status	361	*Thomas, J. A. C.	392
Race and religion	218	Personal property	
*Western legal tradition	383	Retention of title	35
Labour law		Planning	
Economic torts	250	*Urban law	394
*Employees—quest for		Police	
security	377	Powers of arrest	12
Equal pay	40	*Search and seizure	185
*Industrial compensation		Precedent	
policy	412	†Some problems	88
Secondary action	250	†Status of rules	108
†Wage-work bargain	337	Race	
Landlord and tenant		Concept of	218
*Homelessness	396		
*Housing law	396		
*Quest for security	377		

Subject Index 1984

Real property			Social security		
Cohabitee's interest in house	227		Supplementary benefit . . .	44	
†Trusts of land	306		Taxation		
Religion			Avoidance	259	
Concept of	218		Theft		
Roman law			Appropriation	7	
*Justinian's Institutes . . .	392		Tort		
*Ulpian	178		Breach of statutory duty . . .	23	
Sale of goods			†Defective building	111	
C.I.F. contract	233		Interference with navigation .	21	
Exemption clause.	29, 32		*Limitation—personal injury .	188	
Reasonableness	29		*Weir's casebook	379	
Retention of title	35		Trusts		
Sale of land			†Formalities for trusts of land .	306	
†Options	55		United States		
†Relief against forfeiture . .	134		Conflict of laws	47, 253	
Securities regulation			*Family law	189	
*Fundamentals	404		*Securities regulation	404	
			*Seventeenth-century crime .	386	

